

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New England (CENAE-R)
FILE NUMBER: NAE-2004-1564

REGULATORY PROJECT MANAGER: Alan R. Anacheke-Nasemann, PWS Date: 31 Oct 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 31 Oct 2005
 At the project site Y (Y/N) Date: 11 Jul 2004

PROJECT LOCATION INFORMATION:
 State: Massachusetts
 County: Middlesex
 Center coordinates of site by latitude & longitudinal coordinates: 42.5893°N; 71.2730°W
 Approximate size of site/property (including uplands & in acres): 0.23 acre
 Name of waterway or watershed: 01070005-Concord

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Site Conditions: Densely forested parcel adjacent to recently constructed road. Soils mapped as non-hydric. Wetland area seemingly a result of ponding of sheet flow as a secondary effect of recent (ca. 1987) construction of roadbed for Marion Rd. See attached site report.

Rationale used to determine NJD: Isolated, intrastate water with no nexus to interstate commerce. Nearest flowing water is at least 1800 feet away. Wetland cannot be considered adjacent to this waterway.

Site information on waters of the U.S. occurring on site: None.